	Application No.	Applicant(s)
Notice of Allowability	10/665,841	BERGER ET AL.
	Examiner	Art Unit	
	AMEE A. SHAH	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Ex. Amdt of 6/22/10 and Remarks 7/21/10*.

2. ☒ The allowed claim(s) is/are *1,5,7-21,25 and 27-40*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date *9/22/10* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

/Amee A Shah/
Primary Examiner, Art Unit 3625

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Reginald Suyat on September 22, 2010.

The application has been amended as follows:

In the Claims

Claim 1. (Currently amended) A network for coordinating the distribution of products

from a plurality of product manufacturers to consumers wherein each of said manufacturers is an

entity having at least one distribution channel that involves a retail establishment, comprising a

server comprising

a graphical consumer interface accessible by consumers over the internet configured to

display product information to consumers for products from said plurality of manufacturers and

to receive product orders from consumers directly to any of said plurality of product

manufacturers;

a product distribution coordinator configured to receive from a given product

manufacturer a selection of a fulfillment policy, wherein said fulfillment polices are selected

from:

i) not accepting a consumer product order by any retailer or by said given product

manufacturer;

ii) fulfilling a consumer product order by said given product manufacturer;

iii) fulfilling a consumer product order by a particular retailer identified by said given

product manufacturer based on the particular product ordered; and

(iv) fulfilling a consumer product order by placing the order to a product order list

accessible by said given product manufacturer and by one or more retailers identified by said

given product manufacturer; and

an order flow controller configured to selectively route said consumer product orders for

one or more products of a given product manufacturer ~~among said plurality of product~~

~~manufacturers from said graphical interface to said given product manufacturer or to one or more~~

~~retailers identified by said given product manufacturer~~ in accordance with the fulfillment policies

selected by said given product manufacturer such that:[[;]]

if the ~~wherein said~~ fulfillment policy ~~polices are~~ selected ~~from~~is:

i) not accepting a ~~customer~~ consumer product order by any retailer or by said given

product manufacturer, the interface indicates product unavailability;

ii) fulfilling a ~~customer~~ consumer product order by said given product manufacturer, the

controller routes consumer product orders to said given product manufacturer for fulfillment;

iii) fulfilling a consumer product order by a particular retailer identified by said given product manufacturer based on the particular product ordered, the controller routes consumer orders for the particular product to the particular identified retailer for fulfillment; and

iii iv) fulfilling a ~~customer~~ consumer product order by ~~routing~~ placing the ~~customer~~ consumer product order to a product order list accessible by said given product manufacturer and ~~/or~~ by one or more retailers identified by said given product manufacturer ~~for fulfillment by any of said retailers or by said given product manufacturer,~~ the controller routes the consumer product order to a back room manager that posts the consumer product order on the product order list from which manufacturers and retailers select an order to be fulfilled by that manufacturer or retailer.

Claims 3 and 4. Canceled.

Claim 5. (Currently amended) The network of claim [[4]]1, further comprising the[[a]] back room manager ~~configured to remove~~ removing product orders from the product order list upon receipt of a fulfillment acceptance indication from a retailer or product manufacturer.

Claim 6. Cancelled

Claim 7. (Currently amended) The network of claim [[6]]1, wherein the back room manager is configured to enable the given product manufacturer to fulfill selected product orders

identified on the product order list only after a preselected period of time has passed since the

product order was received.

Claim 12. (Currently amended) The network of claim 10, wherein the consumer interface

is configured to enable a consumer to drag a selected product representation from a product

previews window to the scratch pad window[[,]].

Claim 21. (Currently amended) A method for coordinating the distribution of products

from a plurality of product manufacturers, wherein each of said product manufacturers is an

entity having at least one distribution channel that involves a retail establishment, to consumers

from a network comprising a server comprising a graphical consumer interface accessible over

the internet, comprising:

providing access to said graphical consumer interface by consumers over the internet,

said interface configured to display product information to consumers for products from said

plurality of product manufacturers and configured to receive consumer product orders directly

from consumers to any of said product manufacturers on behalf of a plurality of product

manufacturers;

receiving at said graphical consumer interface consumer product orders over the internet

for products of one or more of the plurality of product manufacturers from consumers to any of

said product manufacturers;

receiving by a product distribution coordinator a selection of a fulfillment policy from a

given product manufacturer, wherein said fulfillment polices are selected from:

i) not accepting a consumer product order retailer or by said given product manufacturer;

ii) fulfilling a consumer product order by said given product manufacturer;

iii) fulfilling a consumer product order by a particular retailer identified by said given product manufacturer based on the particular product ordered; and

(iv) fulfilling a consumer product order by placing the order to a product order list accessible by said given product manufacturer and by one or more retailers identified by said given product manufacturer; and

selectively routing ~~customer~~ consumer product orders for one or more products of a given product manufacturer ~~among said plurality of product manufacturers from said graphical interface over the internet to said given product manufacturer or to one or more retailers identified by said given product manufacturer~~ in accordance with the fulfillment policies selected by said given product manufacturer such that

if the ~~wherein said~~ fulfillment policy ~~polices are~~ selected ~~from~~ is:

i) not accepting a ~~customer~~ consumer product order by any retailer or by said given product manufacturer, the interface indicates product unavailability;

ii) fulfilling a ~~customer~~ consumer product order by said given product manufacturer, the controller routes consumer products orders to said given product manufacturer for fulfillment;

iii) fulfilling a consumer product order by a particular retailer identified by said given product manufacturer based on the particular product ordered, the controller routes consumer orders for the particular product to the particular identified retailer for fulfillment; and

iv~~iii~~) fulfilling a ~~customer~~ consumer product order by ~~routing~~ placing the ~~customer~~ consumer product order to a product order list accessible by said given product manufacturer

and/~~or~~ by one or more retailers identified by said given product manufacturer ~~for fulfillment by~~

~~any of said retailers or by said given product manufacturer~~, the controller routes the consumer

product order to a back room manager that posts the consumer product order on the product

order list from which manufacturers and retailers select an order to be fulfilled by that

manufacturer or retailer.

Claims 23 and 24. Canceled

Claim 25. (Currently amended) The method of claim ~~24~~21, further comprising removing

product orders from the product order list upon receipt of a fulfillment acceptance indication

from a retailer or said given product manufacturer.

Claim 27. (Currently amended) The method of claim 25, further comprising enabling

said given ~~supplier~~ product manufacturer to fulfill product orders selected by said given product

manufacturer identified on the product order list only after a preselected period of time has

passed since the product order was received.

REASONS FOR ALLOWANCE

Claims 1, 5, 7-21, 25 and 27-40 are allowed. The following is an examiner's statement of

reasons for allowance.

Claim 1

The prior art of record neither anticipates nor fairly and reasonably renders obvious the

system of claim 1 of a network for coordinating the distribution of products from a plurality of

product manufacturers to consumers wherein each of said manufacturers is an entity having at

least one distribution channel that involves a retail establishment, comprising a server

comprising a graphical consumer interface accessible by consumers over the internet configured

to display product information to consumers for products from said plurality of manufacturers

and to receive product orders from consumers directly to any of said plurality of product

manufacturers; a product distribution coordinator configured to receive from a given product

manufacturer a selection of a fulfillment policy, wherein said fulfillment polices are selected

from: i) not accepting a consumer product order by any retailer or by said given product

manufacturer; ii) fulfilling a consumer product order by said given product manufacturer; iii)

fulfilling a consumer product order by a particular retailer identified by said given product

manufacturer based on the particular product ordered; and (iv) *fulfilling a consumer product*

order by placing the order to a product order list accessible by said given product manufacturer

and by one or more retailers identified by said given product manufacturer; and an order flow

controller configured to selectively route said consumer product orders for one or more products

of a given product manufacturer in accordance with the fulfillment policies selected by said

> **Deleted:** among said plurality of product manufacturers from said graphical interface to said given product manufacturer or to one or more retailers identified by said given product manufacturer

given product manufacturer such that if the fulfillment policy selected is: i) not accepting a

consumer product order by any retailer or by said given product manufacturer, the interface

indicates product unavailability; ii) fulfilling a consumer product order by said given product

manufacturer, the controller routes consumer product orders to said given product manufacturer

for fulfillment; iii) fulfilling a consumer product order by a particular retailer identified by said

given product manufacturer based on the particular product ordered, the controller routes

consumer orders for the particular product to the particular identified retailer for fulfillment; and

iv) *fulfilling a consumer product order by placing the consumer product order to a product*

order list accessible by said given product manufacturer and by one or more retailers identified

by said given product manufacturer, the controller routes the consumer product order to a back

room manager that posts the consumer product order on the product order list from which

manufacturers and retailers select an order to be fulfilled by that manufacturer or retailer.

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A remarkable prior art, previously cited, is Franklin et al., US 6,125,352, cited by

Applicant (hereafter referred to as "Franklin"). Franklin teaches a network for conducting

commerce over a distributed network with a site that coordinates the distribution of products

from a given or a plurality of product manufacturers to consumers, comprising a graphical

consumer interface configured to display product information for products from a plurality of

suppliers and to receive consumer product orders from consumers to suppliers for products of

said plurality of suppliers (Figs. 1 and 4, col. 2, lines 28-53, col. 7, lines 28-42, 49-58 and 65-67,

col. 8, lines 1-18 and col. 22, lines 10-17). Franklin does not teach a controller to selectively

route the orders of a given product manufacturer in accordance with fulfillment policies selected

by said given product manufacturer.

       Another remarkable prior art, previously cited, is Webber, WO 98/34167 (hereafter

referred to as "Webber"). Webber teaches a system of automating transactions by buying and

distributing products. In Webber's invention, certain events, such as a buyer ordering a product,

trigger computational activity, such as determining which supplier to use, by a communications

and activity platform ("CAP"), i.e. an order flow controller, based on the contracts associated

with the transaction (see, e.g., page 1, line 3 through page 2, line 11). The contracts contain

operational instructions and other terms and conditions including fulfillment policies of the

suppliers and are negotiated and approved contracts (Figs. 2 and 4, page 15, lines 6-12, page 41,

lines 15-17, and page 51, line 21). In a negotiated contract, the parties agree to and select the

terms and conditions, one of which is the fulfillment policies, i.e. the fulfillment policies are

selected by the seller. Thus, Webber renders obvious an order flow controller configured to

selectively route consumer product orders for one or more products of a given product

manufacturer among a plurality of product manufacturers to said given product manufacturer or

to one or more retailers identified by said given product manufacturer in accordance with the

fulfillment policies selected by said given product manufacturer. This automatic selection

provides many benefits such as reducing costs (page 7, lines 22-23), improving accuracy, (page

7, lines 24-25), and saving time (page 7, lines 26-27).

       While Webber renders obvious routing customer product orders in accordance with

product manufacturer selected fulfillment policies, it does not anticipate or render obvious that

the fulfillment policies are selected from i) not accepting a consumer product order by any

retailer or by said given product manufacturer; ii) fulfilling a consumer product order by said

given product manufacturer; iii) fulfilling a consumer product order by a particular retailer

identified by said given product manufacturer based on the particular product ordered; and (iv)

fulfilling a consumer product order by placing the order to a product order list accessible by said

given product manufacturer and by one or more retailers identified by said given product

manufacturer and that the order flow controller routes said consumer product orders such that if

the fulfillment policy selected is: i) not accepting a consumer product order retailer or by said

given product manufacturer, the interface indicates product unavailability; ii) fulfilling a

consumer product order by said given product manufacturer, the controller routes all consumer

product orders to said given product manufacturer for fulfillment; iii) fulfilling a consumer

product order by a particular retailer identified by said given product manufacturer based on the

particular product ordered, the controller routes consumer orders for the particular product to the

particular identified retailer for fulfillment; and iv) fulfilling a consumer product order by

placing the consumer product order to a product order list accessible by said given product

manufacturer and by one or more retailers identified by said given product manufacturer, the

controller routes the consumer product order to a back room manager that posts the consumer

product order on the product order list from which manufacturers and retailers select an order to

be fulfilled by that manufacturer or retailer.

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A final remarkable prior art, previously cited, is Knorr et al., US 2002/0077929 A1

(hereafter referred to as "Knorr"). Knorr teaches a system and method for electronically creating

and managing orders based on purchaser fulfillments options (see, e.g. Abstract and ¶0008)

including the known technique of having a vendor select a fulfillment policy from not accepting

a customer order, fulfilling the order, and routing the order to a retailer identified by the parent

vendor (e.g. ¶¶0017 and 0049-0051).

Thus, Knorr renders obvious routing customer product orders in accordance with product

manufacturer selected fulfillment policies wherein fulfillment policies are selected from i) not

accepting a consumer product order by any retailer or by said given product manufacturer; ii)

fulfilling a consumer product order by said given product manufacturer; iii) fulfilling a consumer

product order by a particular retailer identified by said given product manufacturer based on the

particular product ordered and that the order flow controller routes said consumer product orders

such that if the fulfillment policy selected is: i) not accepting a consumer product order retailer or

by said given product manufacturer, the interface indicates product unavailability; ii) fulfilling a

consumer product order by said given product manufacturer, the controller routes all consumer

product orders to said given product manufacturer for fulfillment; iii) fulfilling a consumer

product order by a particular retailer identified by said given product manufacturer based on the

particular product ordered, the controller routes consumer orders for the particular product to the

particular identified retailer for fulfillment.

However, Knorr does not render obvious one of the fulfillment policies being fulfilling a

consumer product order by placing the order to a product order list accessible by said given

product manufacturer and by one or more retailers identified by said given product manufacturer

and the order controller routing the order such that if this option were selected, the controller

routes the consumer product order to a back room manager that posts the consumer product order

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on the product order list from which manufacturers and retailers select an order to be fulfilled by

that manufacturer or retailer.

Thus, the prior art does not anticipate nor fairly and reasonably render obvious the

apparatus of claim 1 taken as a whole.

Claims 5 and 7-20

Claims 5 and 7-20 are dependencies of independent claim 1 and are allowable over the

prior art for the reasons identified above with respect to claim 1.

Claim 21

Claim 21 recites a method for coordinating the distribution of products from a plurality of

product manufacturers comprising steps consistent with and parallel to the functions and

limitations of the apparatus of claim 1. This method is allowable over the prior art for reasons

consistent with those identified above with respect to claim 1.

Claims 25 and 27-40

Claims 25 and 27-40 are dependencies of independent claim 21 and are allowable over

the prior art for the reasons identified above with respect to claim 21.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

The following prior art made of record and not relied upon is considered pertinent to

applicant's disclosure: Unknown Author, "OurHouse.com Enhances Fulfillment System Via

Alliance With USgift.com," PR Newswire, Sep. 6, 2000, discloses a method and system whereby

manufacturers and suppliers agree to place inventory at one website that manages the fulfillment

of a consumer order.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AMEE A. SHAH whose telephone number is (571)272-8116.

The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amee A Shah/
Primary Examiner, Art Unit 3625

AAS
September 23, 2010